

FEB 24 2005

Attorney's Docket No.: 10527-637001

**OFFICIAL COMMUNICATION FACSIMILE:**

**OFFICIAL FAX NO: (703) 872-9306**

Number of pages including this page 10

Applicant : Scott R. Smith  
Serial No. : 10/017,213  
Filed : December 14, 2001

Art Unit : 3737  
Examiner : Eleni M. Mantis Mercader

Title : Recanalization of Occluded Vessel Using Magnetic Resonance Guidance

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is a *REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO; CERTIFICATE UNDER 37 CFR § 3.73(b); and CHANGE OF CORRESPONDENCE ADDRESS.*

Brenda Leeds Binder has been given limited recognition under 37 CFR § 11.9(b) as an employee of the Fish & Richardson PC law firm to prepare and prosecute patent applications wherein the patent applicant is a client of Fish & Richardson PC and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Richardson, which is the case in the present application. A copy of the Limited Recognition document, which expires July 26, 2005, is attached hereto.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 2/24/05



Brenda Leeds Binder  
Limited Recognition under 37 CFR § 11.9(b)

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Fax: (650) 839-5071

50261851.doc

**NOTE:** This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (650) 839-5070 to arrange for its return. Thank you.

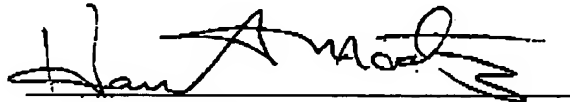
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)**

Brenda Leeds Binder is hereby given limited recognition under 37 CFR § 11.9(b) as an employee of the Fish & Richardson P.C. law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Fish & Richardson P.C. law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Fish & Richardson P.C. law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Brenda Leeds Binder ceases to lawfully reside in the United States, (ii) Brenda Leeds Binder's employment with the Fish & Richardson P.C. law firm ceases or is terminated, or (iii) Brenda Leeds Binder ceases to remain or reside in the United States, authorized to be employed in accordance with an Employment Authorization Card issued pursuant to 8 CFR § 274a.12(c)(9).

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: July 26, 2005



Harry I. Moatz  
Director of Enrollment and Discipline

**REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY  
TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the applications identified in the attached documents.

I hereby appoint:

John J. Gagel, Reg. No. 33,499  
David J. Goren, Reg. No. 34,809  
Elissa Y. Wang, Reg. No. 48,668  
Brian J. Gustafson, Reg. No. 52,978  
Jennifer A. Zanicco, Reg. No. 54,563

Hans R. Troesch, Reg. No. 36,950  
Mark D. Kirkland, Reg. No. 40,048  
Tim H. Pham, Reg. No. 48,589  
Clinton J. Martin, Reg. No. 56,407  
Steven G. Bacsi, Reg. No. 50,736

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

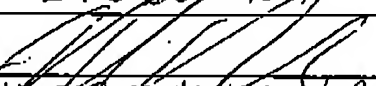
Assignee Name and Address:

Boston Scientific Scimed, Inc.  
One Scimed Place  
Maple Grove, Minnesota 55311

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Luke Dohmen		
Signature		Date	2/15/05
Title	Vice President and Chief Patent Counsel - Cardiovascular	Telephone	763-494-2422

50258587.doc

Attorney's Docket No.: 10527-637001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Scott R. Smith  
Serial No. : 10/017,213  
Filed : December 14, 2001  
Title : RECANALIZATION OF OCCLUDED VESSEL USING MAGNETIC  
RESONANCE GUIDANCE

Art Unit : 3737  
Examiner : Eleni M. Mantis Mercader

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 CFR §3.73(b)

Under 37 CFR §3.73(b) BOSTON SCIENTIFIC SCIMED, INC., a Minnesota corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

A chain of title from the inventor of the patent application identified above, to the current assignee as shown below. Copies of the assignment or other documents in the chain of title are either recorded as indicated or attached.

1. An Assignment in the application identified above from Scott R. Smith to Scimed Life Systems, Inc. recorded in the Patent and Trademark Office at Reel 012393, Frame 0631 on December 14, 2001.

2. A merger of Boston Scientific Scimed, Inc. with Scimed Life Systems, Inc., and concurrent change of name of the surviving corporation, effective January 1, 2005, to form Boston Scientific Scimed, Inc. A copy of the merger documents are being recorded concurrently.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to act on behalf of the assignee.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

2/24/2005  
Date of Transmission

Signature

SARAH E HOKE  
Typed or Printed Name of Person Signing Certificate

Applicant : Scott R. Smith  
Serial No. : 10/017,213  
Filed : December 14, 2001  
Page : 2 of 2

Attorney's Docket No.: 10527-637001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 2/23/05

David J. Goren  
David J. Goren  
Reg. No. 34,609

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

50261549.doc

12/22/04 WED 08:32 FAX 612 340 8738

DUNSEY WHITNEY LLP

0005

4I-1170

ARTICLES OF MERGER OF  
BOSTON SCIENTIFIC SCIMED, INC.  
WITH AND INTO  
SCIMED LIFE SYSTEMS, INC.

Pursuant to Minnesota Business Corporation Act, Section 302A, the undersigned, Boston Scientific Scimed, Inc., a Minnesota corporation ("BSS"), and Scimed Life Systems, Inc., a Minnesota corporation ("Scimed Life"), hereby adopt the following Articles of Merger for the purpose of merging BSS with and into Scimed Life, with Scimed Life being the surviving corporation.

1. The Agreement and Plan of Merger between BSS and Scimed Life dated as of December 15, 2004 (the "Merger Agreement"), as required by Minnesota Business Corporation Act, Section 302A.615, subdivision 1, is attached hereto as Exhibit I.
2. The Board of Directors and sole shareholder of BSS approved the Merger Agreement in a joint written action dated as of December 15, 2004 pursuant to Minnesota Business Corporation Act, Section 302A.613.
3. The Board of Directors and all of the shareholders of Scimed Life approved the Merger Agreement in a joint written action dated as of December 15, 2004 pursuant to Minnesota Business Corporation Act, Section 302A.613.
4. The name of the surviving corporation shall be Boston Scientific Scimed, Inc.
5. The merger shall be effective upon the later of 12:01 a.m. on January 1, 2005 or the filing of these Articles of Merger with the Secretary of State of the State of Minnesota.

IN WITNESS WHEREOF, BSS and Scimed Life have caused these Articles of Merger to be executed by their respective officers thereunto duly authorized this 22 day of December, 2004.

BOSTON SCIENTIFIC SCIMED, INC.

SCIMED LIFE SYSTEMS, INC.

By: 

Paul A. LaViolette  
Chief Executive Officer and President

By: 

Paul W. Santiman  
Chief Executive Officer

E:\Inhouse\SMLS\Articles of Merger BSS SMLS

## BEST AVAILABLE COPY

12/22/04 NEW 00:33 FAX 015 340 8130

DORSEY PINEAPPLE LLP

0000

PLAN OF MERGER  
OF  
BOSTON SCIENTIFIC SCIMED, INC.  
INTO  
SCIMED LIFE SYSTEMS, INC.

Exhibit A

1. Scimed Life Systems, Inc. ("Scimed Life") is a business corporation whose jurisdiction of organization is the State of Minnesota. Boston Scientific Scimed, Inc. ("BSS") is a business corporation whose jurisdiction of organization is the State of Minnesota.
2. BSS (the non-surviving corporation) hereby merges with and into Scimed Life (the surviving corporation) pursuant to the provisions of Section 302A.601 of the Minnesota Business Corporation Act.
3. The separate existence of BSS shall cease upon the effective date of the merger pursuant to the provisions of the Minnesota Business Corporation Act, and Scimed Life shall continue its existence as the surviving corporation pursuant to the provisions of the Minnesota Business Corporation Act.
4. The name of the surviving corporation shall be Boston Scientific Scimed, Inc.
5. The merger described herein shall be effective (the "Effective Time") upon the later of 12:01 a.m. on January 1, 2005 or the filing of the Articles of Merger with the Secretary of State of the State of Minnesota.
6. The 4,919,847 shares of common stock, \$.01 par value, of BSS issued and outstanding immediately prior to the Effective Time shall be converted into and exchanged for 628 validly issued, fully paid and nonassessable shares of common stock, \$.05 par value of the surviving corporation, and a new certificate shall be issued representing such shares.
7. The directors of BSS immediately prior to the Effective Time shall be the directors of the surviving corporation, and the officers of BSS immediately prior to the Effective Time shall be the officers of the surviving corporation.
8. This plan may be terminated and the merger abandoned by the boards of directors of Scimed Life and BSS at any time prior to the Effective Time.
9. The officers of each of BSS and Scimed Life are authorized, empowered, and directed to take any and all actions that, in their discretion, are necessary to consummate the transactions contemplated by the Plan of Merger or which may be in any way necessary or proper to effect such merger.

E:\mbs\mbs\SMLS 121504.ch

BEST AVAILABLE COPY

12/22/04 WED 08:33 FAX 612 340 8738

DORSEY WHITNEY LLP

009

## EXHIBIT I

## AGREEMENT AND PLAN OF MERGER

This Agreement and Plan of Merger (this "Merger Agreement") is made and entered by and between Scimed Life Systems, Inc., a Minnesota corporation ("Scimed Life"), and Boston Scientific Scimed, Inc., a Minnesota corporation ("BSS"), as of the 15th day of December, 2004.

WHEREAS, Boston Scientific Corporation, a Delaware corporation ("BSC"), is the sole shareholder of BSS and holds 4,919,847 of the outstanding shares of common stock of BSS;

WHEREAS, BSC and Boston Scientific Wayne Corporation, a New Jersey corporation and a subsidiary of BSC ("Wayne"), are the shareholders of Scimed Life, with BSC holding 10,000 of the outstanding shares of common stock of Scimed Life and Wayne holding 354 of the outstanding shares of common stock of Scimed Life;

WHEREAS, BSC, Wayne, BSS and Scimed Life desire that, following the effective time of the merger, BSC shall hold 10,628 of the outstanding shares of common stock of the surviving corporation and Wayne shall hold 354 shares of common stock of the surviving corporation;

WHEREAS, the parties intend that the merger contemplated hereby shall be a tax-free reorganization under Sections 368(a)(1)(A) and 368(a)(1)(D) of the Internal Revenue Code of 1986, as amended, and that this Merger Agreement shall constitute a plan of reorganization;

WHEREAS, the respective boards of directors of BSS and Scimed Life have, by resolutions duly adopted, determined that a merger of BSS with and into Scimed Life (the "Merger") in accordance with the terms of this Merger Agreement and the applicable provisions of the Minnesota Business Corporation Act, as amended, is in the best interests of each such party and its respective shareholders; and

WHEREAS, 100% of the shareholders of each of BSS and Scimed Life have approved and adopted the terms of this Merger Agreement and the Merger;

NOW, THEREFORE, the parties hereto agree as follows:

1. Merger. The Merger shall take effect in accordance with the plan of merger, attached hereto as Exhibit A (the "Plan of Merger"), and incorporated into this Merger Agreement.
2. Governing Law. The internal law, without regard for conflicts of laws principles, of the State of Minnesota will govern all questions concerning the construction,

\\mim\pains\SMLS 121504 ab



## BEST AVAILABLE COPY

12/22/04 WED 08:33 FAX 612 340 8738

DORSEY WHITNEY LLP

12/22/04

validity and interpretation of this Merger Agreement and the performance of the obligations imposed by this Merger Agreement.

3. Assignment. This Merger Agreement and all of the provisions hereof will be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns, except that neither this Merger Agreement nor any of the rights, interests or obligations hereunder may be assigned by any party hereto without the prior written consent of the other party hereto.

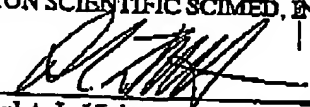
4. Amendment and Waiver. The parties may, by written agreement, waive compliance with or modify, amend or supplement any of the covenants or agreements contained in this Merger Agreement.

5. Notices. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered by hand, or mailed by first class mail, return receipt requested, or when receipt is acknowledged by return telecopy if telecopied, to the address appearing on the corporate records of each of the parties hereto (or to such other address as a party may designate by notice to the other).

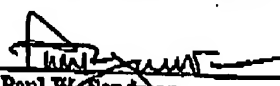
6. Counterparts. This Merger Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Merger Agreement to be duly executed as of the day and year first above written.

BOSTON SCIENTIFIC SCIMED, INC.

By:   
Paul A. LaViolente  
Chief Executive Officer and President

SCIMED LIFE SYSTEMS, INC.

By:   
Paul W. Sandman  
Chief Executive Officer

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

DEC 22 2004

  
Mary H. Hoffmann  
Secretary of State